REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

By the foregoing amendments claim 33 is cancelled, claims 21, 34 and 38-40 are amended and claim 41 is added, whereby claims 21-32 and 34-41 will be pending, with claims 21, 39 and 40 being independent claims.

Support for the amended claims can be found throughout the present specification and in particular, at page 2 of the present specification.

Applicants emphasize that the amendments to claims 21, 39 and 40 are without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute these claims in their original, unamended form in one or more continuation and/or divisional applications.

Summary of Office Action

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Supplemental Information Disclosure Statement filed August 15, 2006 by returning a signed and initialed copy of the Form PTO-1449 submitted therein.

Applicants further note that the Examiner is unpersuaded by Applicants' arguments regarding the imposed Election of Species requirement set forth in the Election with Traverse filed December 13, 2006 and has examined the

claims only to the extent of the elected species of viscose fibers.

Applicants also note that the Office Action indicates that the rejections set forth in the previous Office Action are moot.

Claims 21-40 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 21-40 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pung et al., WO 99/25318 (hereafter "PUNG") in view of Brennan et al., U.S. Patent No. 6,361,784 (hereafter "BRENNAN") and Ullmann's Encyclopedia of Industrial Chemistry, 5th Completely Revised Edition, Vol. A17, pp. 567-569 (hereafter "ULLMANN").

Response to Office Action

Reconsideration and withdrawal of the rejections of record are respectfully requested in view of the foregoing amendments and the following remarks.

Response to Rejection of Claims under 35 U.S.C. § 112, First Paragraph

Claims 21-40 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The rejection alleges that the term "liquid" in claims 21-31, 34, 39 and 40 and the term "transverse" in claim 38 lack literal support in the specification as originally filed.

Applicants respectfully traverse this rejection. As an initial matter Applicants point out that an amendment to a claim is not required to have literal support in the specification as originally filed. In this regard, Applicants direct the Examiner's attention to the MPEP, in

particular the following sections (underlining added):

2163.02 Standard for Determining Compliance With the Written Description Requirement

The courts have described the essential question to be addressed in a description requirement issue in a variety of ways. An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Under *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed. The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).

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The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. If a claim is amended to include subject matter, limitations, or terminology not present in the application as filed, involving a departure from, addition to, or deletion from the disclosure of the application as filed, the examiner should conclude that the claimed subject matter is not described in that application. This conclusion will result in the rejection of the claims affected under 35 U.S.C.112, first paragraph - description requirement, or denial of the benefit of the filing date of a previously filed application, as appropriate.

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2163.04 Burden on the Examiner with Regard to the Written Description Requirement

The inquiry into whether the description requirement is met must be determined on a case-by-case basis and is a question of fact. *In re Wertheim*, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976). A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97.

With respect to the term "impregnation liquid" which replaces the term "impregnation solution" recited in the application as filed, Applicants have already pointed out in the response to the previous Office Action that the latter term has been replaced by the former term because the present application makes it abundantly clear that the "impregnation solution" is not necessarily a solution but may, for example, be a (micro)emulsion or even a dispersion. In this regard, see, e.g., present claims 29 and 30 and pages 3 and 4 of the present specification. By replacing the term "solution" by the neutral term "liquid" Applicants have merely tried to avoid any possible confusion and thereby have improved the clarity of the claims.

In view of the foregoing, Applicants respectfully submit that the rejection of claims 21-31, 34, 39 and 40 under 35 U.S.C. § 112, first paragraph, is unwarranted and should be withdrawn. Applicants further note that the term "transverse" in claim 38 has been replaced by the term "cross" as recited in the application as filed, wherefore the rejection of claim 38 under 35 U.S.C. § 112, first paragraph, is moot. Applicants point out that they disagree with the Examiner in this regard as well and have amended claim 38 merely in order to expedite the issuance of a patent with the claims submitted herewith.

Response to Rejection of Claims under 35 U.S.C. § 103(a)

Claims 21-40 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over PUNG in view of BRENNAN and ULLMANN. The rejection alleges that PUNG teaches a personal aqueous cleansing wipe which comprises a substrate and an aqueous liquid cleansing composition which is coated onto or impregnated into said substrate, the substrate being a single-layer, nonwoven substrate which is formed from hydroentangled fibers. The rejection concedes

that PUNG fails to teach several of the elements recited in the present claims but asserts that these elements are taught by BRENNAN and ULLMANN.

Applicants respectfully traverse this rejection as well. Specifically, Applicants point out that all of the present independent claims recite, *inter alia*, that the wipe consists of a water-jet impressed nonwoven material and that the wipe exhibits a uniform sequence of elevations and indentations in the nonwoven material. As set forth at page 2, third paragraph of the present application, the structuring of the wipe by means of water jets produces a uniform sequence of elevations and indentations in the nonwoven material which permits, as a result of the elevations, both better access to indentations in the human skin and also increased soil-uptake capacity, leading overall to a significantly improved cleaning performance. Neither PUNG nor BRENNAN and ULLMANN teach or suggest a corresponding feature.

In particular, even if one were to assume, *arguendo*, that PUNG discloses a wipe which qualifies as a water-jet impressed wipe, this document is silent with respect to the formation of a uniform sequence of elevations and indentations in the nonwoven material. PUNG does not contain any drawings or other information which would allow one to understand what the wipes of PUNG are supposed to look like. Essentially the only relevant information in this regard is found in the following passage from page 3, line 97 to page 4, line 127 of PUNG (emphases added):

> The substrate employed in the present invention is formed from hydroentangled fibers. One way to prepare a substrate from hydroentangled fibers is to position a web of fibers on a topographical support member comprising an essentially planar background surface with at least one recessed region significantly displaced from the background surface of the forming plate.
>
> Typically, the support member comprises a multiplicity of recessed regions, positioned as depressions is [sic] some predetermined array, that will form a desired pattern of raised portions on the nonwoven substrate. The fibrous web is

presoaked or wetted out with water while on this support member to ensure that as it is treated it will remain on the support member. The support member with the fibrous web thereon is passed under a series of orifices from each of which a fluid, such as water, is ejected under high pressure and directed toward the upper surface of the fibrous web, i. e., that surface of the web which is out of contact with the topographical support member. Initially, these fluid forces "mold" the starting web to the three dimensional support member; as the process of applying fluid force continues, the fibers are entangled and locked together so as to provide a nonwoven substrate comprising a base surface and one or more discrete, raised fibrous regions which are permanently positioned with respect to one another.

The water is then transported away from the support member, preferably using a vacuum. The fibrous web is de-watered. The de-watered formed substrate is removed from the support member. The formed substrate is passed over a series of drying drums to dry the substrate. The substrate can then be finished or otherwise processed as desired. Processes for preparing hydroentangled webs are well known in the art. See, for example, Evans; U. S. Patent 3,485,786; issued December 23,1969; Kalwarres; U. S. Patent2,862,251 and Griswold; U. S. Patent 3,025,585, all of which describe hydroentangling procedures generally and all of which are herein incorporated by reference. See also U. S. Patent 5,674,591;
James et al; issued October 7,1997 which specifically describes a hydroentangling process, including the apparatus used in said process, which can be used to prepare the patterned substrates employed in the present invention. U. S. Patent 5,674,591 is incorporated herein in its entirety.

Further, at page 27 PUNG states that the aqueous cleansing compositions of Examples 1-10 whose compositions are summarized in the preceding table "are each impregnated onto substrates of the type described in Examples 1 and 2 of U.S. Patent No. 5,674,591".

Examples 1 and 2 of U.S. Patent No. 5,674,591 state (emphases added)[1]:

EXAMPLE 1

This example shows the production of a topographical support member which can be used to produce nonwoven fabric 10C of FIG. 1C. The precursor topographical support member is made of acetal and has the topographical pattern of peaks, valleys and apertures shown in FIG. 13 of the accompanying drawings. The precursor topographical support member was made by the laser drilling process disclosed in commonly assigned U.S. Pat. No. 5,585,017 the title of which is "Defocused Laser Drilling Process For Making Fabric

1 In accordance with M.P.E.P.§ 609C(3), the document cited above in support of Applicants' remarks is being submitted as evidence directed to an issue raised in the mentioned Official Action, and no additional fee or Certification pursuant to 37 C.F.R. §§ 1.97 and 1.98, or citation on a FORM PTO-1449 is believed to be necessary.

Forming Device" and the disclosure of which is hereby incorporated by reference. The support member of this Example 1 was made on the apparatus of FIG. 16 using the precursor support member just mentioned and the laser ablation process described hereinabove. The precursor support member was mounted on mandrel 821. The computer graphic file used to control the laser ablation process was that shown in FIG. 17A. The laser power was set to produce a constant output, when on, of 1320 watts. Lens 829 was a positive meniscus lens having a focal length of 5 inches. Lens 829 was focused at the top surface of the unengraved marginal portion of the precursor topographical support member. This coincides with the reference diameter established for the precursor support member as explained earlier herein. The rotational speed of mandrel 821 during the laser ablation process was 35 rpm, resulting in a support member top surface speed of 69 m/min. The carriage advance per revolution was 50 microns. The laser ablation process was continued until the entire peripheral surface of the precursor support member was laser engraved with the desired pattern. The resulting topographical support member comprised a first pattern nearer its outer surface and a second pattern beneath said first pattern, i.e., recessed into the depth of the support member. The first pattern in the resulting support member was the pattern illustrated in FIG. 13 of the drawings. The second pattern, i.e., the pattern recessed into the depth of the support member beneath the first pattern, was the pattern illustrated in FIG. 17A of the drawings.

EXAMPLE 2

This example illustrates the production of nonwoven fabric 10C shown in FIG. 1C using the topographical support member made in accordance with Example 1. The topographical support member of Example 1 was removed from mandrel 821 of the apparatus shown in FIG. 16 and was mounted on drum 90 of the apparatus shown in FIG. 12.

A fibrous web consisting entirely of staple-length cotton fibers and weighing 1.2 ounces per square yard was made by combining a 0.6 ounce per square yard 100% cotton web made by a conventional carding process and a 0.6 ounce per square yard 100% cotton web made by a conventional air laying process. In the specific example being discussed, the carded web and the air laid web were combined by positioning the air laid web on top of the carded web. It will be understood that the carded web could, if desired, be positioned on top of the air laid web.

The aforementioned 1.2 oz/sq yd 100% cotton web was lightly pre-entangled using a conventional flat-belt entangling apparatus comprising 18 orifice strips which were spaced from each other in the machine direction of the apparatus and which extended across the width of the apparatus. The diameter of the orifices was 0.007 inch. There were thirty (30) orifices/lineal inch in each orifice strip. The entangling fluid was water. In going from the upstream direction to the downstream direction, water was supplied to the first 3 orifice strips at 200 psig; to the next 3 orifice strips at 600 psig; and to the last 12 orifice strips at 1000 psig. The pre-entangling apparatus was operated at about 330 feet per minute (fpm). The thus processed cotton web was dried over steam cans to provide a lightly entangled 100% cotton web hereinafter called a "pre-bond".

Two plies of the above-described pre-bond were used to make nonwoven fabric 10C. The two-ply pre-bond was placed on the topographical support member of Example 1 which had been previously been mounted on mandrel 821. The two-ply pre-bond was then sprayed lightly with water. The distance from the bottom of the orifice strips of the apparatus shown in FIG. 12 to the top of the pre-bond material was about 0.75 inch. Only one of the five orifice strips 92 shown in FIG. 12 was used for the processing step. The two-ply pre-bond was passed once under the orifice strip at 100 yards per minute while water was being supplied to orifice strip at a pressure of about 600 psig. The pre-bond was then passed under the orifice strip eight additional times. The line speed employed during these eight passes was 100 yards per minute with water being supplied to the orifice strip at a pressure of about 1600 psig. Nonwoven fabric 10C thus produced was vacuum dewatered, removed from the support member, and dried in a hot air oven.

It will be understood that nonwoven fabric 10C comprised a background portion 12 having a tricot-like appearance which resulted from the first pattern comprising the support member, said first pattern corresponding to that shown in FIG. 13 of the drawings. Raised portion 16 of the nonwoven fabric 10C resulted from the pattern of FIG. 17A.

An inspection of the Figures of U.S. Patent No. 5,674,591 and in particular, of Figure 1C reveals that the raised pattern in the wipes of PUNG has nothing at all to do with a "uniform sequence of elevations and indentations in the nonwoven material" as recited in the present claims. Accordingly, PUNG in light of U.S. Patent No. 5,674,591 neither teaches nor suggests any of the subject matter of the present claims.

BRENNAN and ULLMANN fail to cure the deficiencies of PUNG set forth above. For example, the embossed pattern in the wipe of BRENNAN is not even water-jet impressed, but calendar-embossed (see, e.g., abstract). Moreover, BRENNAN also fails to teach or suggest a "uniform sequence of elevations and indentations in the nonwoven material" as recited in the present claims. In this regard, Figures 1 -5 of BRENNAN which are plan views of emboss patterns of wipes contemplated by the inventors of BRENNAN may, for example, be referred to.

Further, ULLMANN does not relate to embossing at all.

Applicants submit that for at least all of the foregoing reasons, PUNG in view of

BRENNAN and ULLMANN neither teaches nor suggests a water-jet impressed wipe which comprises a "uniform sequence of elevations and indentations in the nonwoven material", wherefore Applicants refrain from any of the other allegations set forth in the present Office Action as to why the claimed subject matter is allegedly rendered obvious by the cited documents. It is pointed out, however, that Applicants do not admit that these allegations are of any merit.

To sum up, the rejection of claims 20-40 under 35 U.S.C. § 103(a) over PUNG in view of BRENNAN and ULLMANN is unwarranted for at least all of the foregoing reasons, wherefore withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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